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6 IN THE UNITED STATES DISTRICT COURT
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 DIANNE ARAGON, No. C 07-02925 CW (PR)
11 Petitioner,
12 v.
13 SCHELIA A. CLARK, Warden,
14 Respondent.
15 _____/

16 Petitioner, a federal prisoner, has filed a pro se petition
17 for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.
18 Petitioner has paid the \$5.00 filing fee.

19 A district court may entertain a petition for a writ of habeas
20 corpus challenging the execution of a federal sentence only on the
21 ground that the sentence is being executed "in violation of the
22 Constitution or laws or treaties of the United States." 28 U.S.C.
23 § 2241(c)(3); United States v. Giddings, 740 F.2d 770, 772 (9th
24 Cir. 1984).

25 The court should "award the writ or issue an order directing
26 the respondent to show cause why the writ should not be granted,
27 unless it appears from the application that the applicant or person
28 detained is not entitled thereto." 28 U.S.C. § 2243. Summary
dismissal is appropriate only where the allegations in the petition
are vague or conclusory, palpably incredible, or patently frivolous

United States District Court
For the Northern District of California

1 or false. Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990)
2 (quoting Blackledge v. Allison, 431 U.S. 63, 75-76 (1977)).

3 It does not appear from the face of the petition that it is
4 without merit. Good cause appearing, the Court hereby issues the
5 following orders:

6 1. The Clerk of the Court shall serve a copy of this Order
7 and the petition and all attachments thereto upon Respondent and
8 Respondent's attorney, the United States Attorney for the Northern
9 District of California. The Clerk shall send a copy of the
10 petition to the Attorney General of the United States in
11 Washington, D.C. The Clerk shall also serve a copy of this Order
12 on Petitioner.

13 2. Respondent shall file with this Court and serve upon
14 Petitioner, within sixty (60) days of the issuance of this Order,
15 an Answer showing cause why a writ of habeas corpus should not be
16 issued. The respondent shall file with the answer a copy of all
17 documents that are relevant to a determination of the issues
18 presented by the petition.

19 3. If Petitioner wishes to respond to the Answer, Petitioner
20 shall do so by filing a Traverse with the Court and serving it on
21 Respondent within thirty (30) days of receiving the Answer. Should
22 Petitioner fail to do so, the petition will be deemed submitted and
23 ready for decision thirty (30) days after the date Petitioner is
24 served with Respondent's Answer.

25 4. It is Petitioner's responsibility to prosecute this case.
26 Petitioner must keep the Court and Respondent informed of any
27 change of address and must comply with the Court's orders in a
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1 timely fashion. Petitioner must also serve on Respondent's counsel
2 all communications with the Court by mailing a true copy of the
3 document to Respondent's counsel.

4 5. Extensions of time are not favored, though reasonable
5 extensions will be granted. Any motion for an extension of time
6 must be filed no later than ten (10) days prior to the deadline
7 sought to be extended.

8 IT IS SO ORDERED.

9
10 Dated: 7/13/07

Claudia Wilken

CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DIANNE ARAGON,

Plaintiff,

Case Number: CV07-02925 CW

V.

SCHELIA A. CLARK et al.

Defendant.

CERTIFICATE OF SERVICE

SCHELIA A. CLARK et al,
7
Defendant.
8

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on July 13, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
in the Clerk's office.

15 Dianne Aragon #27331-051
FPC-Dublin
16 5675 8th St. Camp Park
Dublin, CA 94568

17 U.S. Attorney
18 Northern District of California
19 450 Golden Gate Avenue
San Francisco, CA 94102

20 Attorney General
U.S. Department of Justice
21 Washington, D.C. 20530

Dated: July 13, 2007

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk